

HOUSE BILL 110

By Shepard

AN ACT to amend Tennessee Code Annotated, Title 44,
Chapter 8, Part 4, relative to dogs and the owner's
responsibility for such dogs.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 44, Chapter 8, Part 4, is amended by
adding the following as a new section:

Section 44-8-413.

(a)

(1) It is an offense for the owner of a dog which is in the process
of biting, attacking, otherwise injuring, or attempting to bite, attack or
injure, to knowingly fail to take all available means to terminate the biting,
attacking, injuring or attempt to do so.

(2) It is an offense for the owner of a dog which is in the process
of biting, attacking, otherwise injuring, or attempting to bite, attack or
injure another in defense of its owner or as the result of an annoying,
harassing or provoking act by the person attacked to knowingly fail to
take all available means to terminate the biting, attacking, injuring or
attempt to do so when the threat or danger to the owner or the dog no
longer exists.

(3) In determining if the owner of a dog took "all available means"
to terminate the attack, the trier of fact shall consider all of the facts
surrounding the attack, including the age and physical condition of the
owner, to determine if the actions of the owner of the dog once the attack
was commenced were reasonable under the circumstances.

(b) The provisions of this section shall not apply to a police or military dog that attacks another while acting in the line of duty.

(c)

(1) A violation of subsection (a)(1) is a Class E felony.

(2) A violation of subsection (a)(2) is a Class A misdemeanor.

(d) Nothing in this section shall prohibit the state from prosecuting and convicting a person whose conduct violates this section under any other applicable statute in lieu of this section.

SECTION 2. This act shall take effect July 1, 2007, the public welfare requiring it.